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Serial No. 10/038,185

Amdt. dated February 9, 2005

Reply to Office Action of September 9, 2004

Attorney Docket No. PF02248NA

REMARKS/ARGUMENTS

Claims 1 through 13, 15, 16, 18, 19, 22 and 23 remain in this application. Claims 14, 17, 20, and 21 have been canceled without prejudice or disclaimer, and claims 22 and 23 have been added. In addition, claims 1, 9, 18 and 19 have been amended.

Claims 1 through 13, 15, 16, 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,668, 167 to McDowell, et al. ("McDowell, et al. patent") in view of U.S. Patent No. 5,898,679 to Brederveld, et al. ("Brederveld, et al. patent").

Page 12 of the above Office Action states "2.2 Claim 14: Examiner indicated that it was allowed in last Office Action. The features in this claims are not independent (distinguished) from each other (see figure 3) as stated in the last paragraph on page 10 of the Remark. For example, filtering out a less prominent device is based on the determining result of cross correlation between buddy lists. Without this determining step, a less prominent device can be any device, which is not logged on, or logged on but not in use, or not associated with any buddy list, or a device with minimum subscription fee, etc." The Examiner appears to indicate that the combination of the determining step and the filtering step, along with the remainder of original claim 9, is allowable and, thus, Applicant has amended independent claims 1 and 9 to include these steps. Therefore, claims 1 and 9 distinguish patentably from the Brederveld, et al. patent, the McDowell, et al. patent and the combination of these patents, and are now in condition for allowance.

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Claims 2 through 8 and 10 through 13, 15, 16, 18 and 19 depend from and include all limitations of independent claims 1 and 9 as amended. Therefore, claims 2 through 8 and 10 through 13, 15, 16, 18 and 19 distinguish patentably from the Brodervold, et al. patent, the McDowell, et al. patent and the combination of these patents for the reasons stated above for independent claims 1 and 9 and, similarly, are now in condition for allowance.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1 through 13, 15, 16, 18 and 19 are respectfully requested.

New claims 22 and 23 are provided to more particularly cover certain aspects of applicant's system. In particular, system claims 22 and 23 provide language similar to method claims 18 and 19 which, as stated above, are in condition for allowance. Therefore, allowance of new claims 22 and 23 is believed warranted.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

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It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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02/09/05

Date